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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,612	05/25/2000	Georgia Hilton	WWA-102	7248
41245	7590	11/10/2009		
Mark Levy HINMAN, HOWARD & KATTELL, LLP 80 Exchange Street P.O. Box 5250 BINGHAMTON, NY 13901			EXAMINER  MEL XU	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			11/10/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/578,612

**Applicant(s)**

HILTON, GEORGIA

**Examiner**

Xu Mei

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/06/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27,31,32 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27,31,32 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 07/06/2009.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27, 31-32 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushige (US-5,487,067).

Regarding claim 27, 31 and 36 Matsushige (Figs. 13-17, col. 23, line 21-col. 25, line 25) discloses a plurality of typical audio/video studio (example of Fig. 17 shows having 4 studios) that including different rooms (i.e., audio spaces such as sound room shows in Fig. 13). A plurality of audio spaces of the plurality of studio that are geographically spaced apart for at least listening to a reproduced sound, each of said plurality of audio spaces being adapted to accommodate a listener and comprising means for selectively electrically connecting (links) one of said plurality of audio spaces to at least one other thereof, said acoustical enclosures each comprising respectively, substantially identical means for reproducing sound (each of the studio is having substantially identical components as shown in Fig. 16 for processing and producing

sound by speakers 49) comprising at least one device selected from the group: an audio mixing console (mixer 5) and a digital audio workstation (digital audio workstation as shown in control room of Fig. 14), the at least one device comprising at least one control selected from the group: a mixer (mixer 5), a fader (control 55 of Fig. 14, the mixer, fader are tactile control surface as recited in claim 36) and an audio processing control (effector 52, for example), said the at least one device being substantially functionally identical to a corresponding one of the at least one device (the mixing console) in each other for reproducing sound in each of said other enclosures in respective ones of said connected audio spaces, whereby a change of at least one control or changing tactile control surfaces selected from the group: a fader and an audio processing control in a first one of the connected audio spaces affects movement of a corresponding one of the control selected from the group in all others of the connected audio space (see Figs. 7-8, col. 16, line 6-col. 17, line 14), and whereby a listener accommodated in any of said plurality of enclosures so connected receives a listening experience to that of a listener accommodated in any other one of said connected enclosures when a substantially identical audio signal transmitted across said means for selectively electrically connecting said audio spaces is substantially simultaneously applied to each of said means for reproducing sound. What's not specifically mentioned by Matsushige is that the audio spaces or studios are substantially acoustically identical enclosures.

It is merely an engineering design choice to one of ordinary skill in the art to design audio spaces or studios are substantially acoustically identical enclosures that

are having the exact standards and specifications-physically, acoustically, and technologically therein necessary to produce said substantially acoustically identicalness and comprise identical, physical devices and materials. The design and construction of large-scale studios paper of Mann et al disclosed and shown in Figs. 0 and 1 with identical studios 1 and 2 having the exact standards and specifications-physically, acoustically, and technologically and identical fader stereo on-air consoles (page 6, section 7 of console design) is a prime example of designing such identical audio spaces or studios utilize identical, physical devices and materials, and installing desired identical audio mixing consoles.

Since Matsushige discloses the typical audio/video studio that is having substantially identical means at each studio for processing and producing audio output, it would have been obvious to one of ordinary skill in the art to recognize that it is merely an engineering design choice to design and provide audio spaces or studios that are substantially acoustically identical enclosures, as shown in the example of Mann et al, in order to generate substantially identical or uniform audio output to each of the different studios or audio spaces or enclosures to enable user(s) at each of the studios to enjoy substantially identical high fidelity audio output with substantial identical audio mixing process by the plurality of studios.

Regarding claim 32, Matsushige discloses everything claimed as applied above (see claim 31), and also shows the communication link is a ring network, which constitute as a wide area matrix network or high speed LAN.

Regarding claims 37-38, Matsushige discloses in Figs. 9-11 that including synchronizing the events in one audio space with another. Furthermore, synchronizing audio events with other events, such as video was well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Matsushige by implementing synchronization the audio events with other events such as video for the purpose of enabling synchronized real-time editing and control of both the audio and video effects at each of the substantially identical audio or video production studios.

#### ***Response to Arguments***

4. Applicant's arguments filed 07/06/2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., 'linked' audio spaces, 'master-to-master' relationship) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Per argument to claim 32, the ring network for the communication link disclosed by Matsushige is constituted as a high speed LAN and thus met by the claimed language as recited in claim 32.

The remainders of the pertinent topics for argument for the broadly claimed limitations are presented in the appropriate rejections above. As these are the totality of arguments presented, and they have been found unpersuasive due to the fact that the broadly claimed limitations are met by the references, the existing rejection is deemed appropriate.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xu Mei/  
Primary Examiner, Art Unit 2615  
11/05/2009